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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<div>SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES, LLC, Defendant.</div>	Adv. Pro. No. 08-01789 (SMB) SIPA Liquidation (Substantively Consolidated)
<div>In re: BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Debtor.</div>	
<div>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, Plaintiff, v.</div>	Adv. Pro. No. 10-04517 (SMB)

RADCLIFF INVESTMENTS LIMITED,
ROTHSCHILD TRUST GUERNSEY LIMITED,
and ROBERT D. SALEM,

Defendants.

TRUSTEE'S REQUEST TO ENTER DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against defendants Radcliff Investments Limited, Rothschild Trust Guernsey Limited, and Robert D. Salem, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
September 17, 2014

Respectfully submitted,

/s/ Marc E. Hirschfield

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

RADCLIFF INVESTMENTS LIMITED,

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04517 (SMB)

ROTHSCHILD TRUST GUERNSEY LIMITED,
and ROBERT D. SALEM,

Defendants.

AFFIDAVIT SUPPORTING ENTRY OF DEFAULT

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Lindsey A. Shoshany, being duly sworn, hereby attests as follows:

1. I am a member of the Bar of this Court and an attorney at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard (“Trustee”), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”) and the estate of Bernard L. Madoff, individually.

2. On November 30, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the “Complaint”) against Radcliff Investments Limited, Rothschild Trust Guernsey Limited, and Robert D. Salem (“Defendants”). (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of transfers in connection with certain transfers of property by BLMIS to or for the benefit of Defendants. (*Id.*).

3. On March 7, 2011, the Clerk of this Court issued a summons upon Defendants. (Dkt. No. 4.)

4. On May 24, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Robert D. Salem. (*See* Dkt. No. 6). An Affidavit of Service evidencing proper and timely service was filed with the Court. (*See* Ex. A, Affidavit of Service; Dkt. No. 6).

5. On March 25, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Radcliff Investments Limited. (*See* Dkt. No. 5.) An Affidavit of Service evidencing proper and timely service was filed with the Court. (*See* Ex. A, Affidavit of Service; Dkt. No. 5.)

6. On May 28, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Rothschild Trust Guernsey Limited. (*See* Dkt. No. 7). An Affidavit of Service evidencing proper and timely service was filed with the Court. (*See* Ex. A, Affidavit of Service, Dkt. No. 7).

7. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary proceeding, the time by which Defendants may answer or otherwise move with respect to the Complaint was set to expire May 6, 2011. (*See* Dkt. No. 4.)

8. On September 7, 2011, the Trustee and Radcliff Investments Limited and Rothschild Guernsey Trust Limited stipulated and agreed that the time by which Radcliff Investments Limited and Rothschild Guernsey Trust Limited may answer or otherwise

respond to the Complaint would be November 7, 2011. The Trustee filed a Notice of Extension with this Court on September 7, 2011. (*See* Dkt. No. 8.)

9. On November 18, 2011, the Trustee and Radcliff Investments Limited and Rothschild Guernsey Trust Limited stipulated and agreed that the time by which Radcliff Investments Limited and Rothschild Guernsey Trust Limited may answer or otherwise respond to the Complaint would be January 23, 2012. The Trustee filed a Notice of Extension with this Court on November 22, 2011. (*See* Dkt. No. 9).

10. On January 23, 2012, the Trustee and Radcliff Investments Limited and Rothschild Guernsey Trust Limited stipulated and agreed that the time by which Radcliff Investments Limited and Rothschild Guernsey Trust Limited may answer or otherwise respond to the Complaint would be February 24, 2012. The Trustee filed a Notice of Extension with this Court on January 27, 2012. (*See* Dkt. No. 10).

11. Despite being duly served with the Summons and Complaint, and Radcliff Investments Limited and Rothschild Guernsey Trust Limited being given extensions to answer or otherwise respond to the Complaint, Defendants did not file an answer, move, or otherwise respond to the Complaint.

12. Certain Defendants are business entities and therefore are neither infants nor incompetents. Additionally, upon information and belief, Robert D. Salem is neither an infant nor incompetent.

13. Moreover, because certain Defendants are business entities, the protections afforded under the Servicemember's Civil Relief Act of 2003 should not apply. Furthermore, on September 17, 2014, I performed a search on the Department of Defense Manpower Data Center (DMDC). Upon searching the information data banks of DMDC,

the DMDC does not possess any information indicating that Robert D. Salem is currently on active duty as to all branches of the Military.

14. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

/s/ Lindsey A. Shoshany
Lindsey A. Shoshany

Sworn to before me this
18th day of September, 2014

/s/ Sonya M. Graham
Notary Public
Sonya M. Graham
Notary Public, State of New York
No. 01GR6133214
Qualified in Westchester County
Commission Expires: Sept.12, 2017